



Isle of Man
Government
Reillys Ellan Vannin

Extract of Proceedings in the Council of Ministers during March 2020

Part I Decisions made by Council

Coronavirus Pandemic Response

The challenges posed by the Coronavirus [SARS-CoV-2] [COVID-19] pandemic requires a clear and joined up response

Emergency Powers Act 1936

Council considered and agreed that the following documents under the Emergency Powers Act 1936 be made and submitted to Tynwald:

- Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) Regulations 2020
- Emergency Powers (Coronavirus) (Entry Restrictions) (Amendment) Regulations 2020
- Emergency Powers (Coronavirus) (Volunteers) Regulations 2020
- Emergency Powers (Prohibitions on Movement) (Amendment) Regulations 2020
- Emergency Powers (Coronavirus) (Speed Limits) Regulations 2020
- Emergency Powers (Coronavirus) (Special Constables) Regulations 2020
- Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020
- Emergency Powers (Coronavirus) (Child Care Services) Regulations 2020
- Emergency Powers (Coronavirus) (Entry Restrictions) Regulations 2020
- Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020
- Emergency Powers (Prohibitions on Movement) Regulations 2020
- Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020
- Emergency Powers (Road Transport) Regulations 2020
- Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020
- Emergency Powers (Coronavirus) (Enterprise Act Amendment) Regulations 2020
- Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020
- Emergency Powers (Coronavirus) (Health Service) Regulations 2020
- Emergency Powers (Potentially Infectious Persons) (Amendment) Regulations 2020
- Emergency Powers (Home Affairs Staff) Regulations 2020
- Emergency Powers (Food and Fuel) Regulations 2020
- Emergency Powers (Coronavirus) (Planning and Regulatory Legislation) Regulations 2020
- Emergency Powers (Closure of Premises) Regulations 2020
- Emergency Powers (Keys Elections - Casual Vacancies) Regulations 2020
- Emergency Powers (Coronavirus) (Port Operations) Regulations 2020

- Emergency Powers (Local Elections) Regulations 2020
- Emergency Powers (Coronavirus) (Schools) Regulations 2020
- Emergency Powers (Potentially Infectious Persons) Regulations 2020 – Declaration by the Department of Health and Social Care
- Emergency Powers (Potentially Infectious Persons) Regulations 2020
- Proclamation by the Governor in Council

UK Coronavirus (Emergency) Bill – permissive extent clause request

Council considered a paper submitted by the Cabinet Office and agreed that a request should be made to the UK Government for a permissive extent clause to be inserted into the UK Coronavirus (Emergency) Bill.

Policy Response for the Isle of Man – Delay Phase

Council, noting that the Public Health England guidance had been updated, agreed that Isle of Man Government move to the “Delay” phase of planning with immediate effect and that the current position of following the advice issued by Public Health England be maintained.

Government Strategic Approach for the Isle of Man

Council considered papers and presentations in relation to the Island’s response to the global SARS-CoV2 coronavirus pandemic [COVID-19].

Council agreed the principles of the Government Strategic Approach for the Isle of Man:

- Preservation of life;
- Maintain critical national infrastructure;
- Maintain public safety and confidence; and
- Support a controlled and speedy return to normality.

Council agreed:

- To recommend to the Lieutenant Governor to issue a proclamation of emergency under the Emergency Powers Act 1936, as the key priority was for Government to take necessary measures to protect Manx residents.

Council agreed various recommendations:

- The period of self-isolation, in line with UK guidance of 14 days, for individuals travelling into the Isle of Man, and exemptions for essential healthcare workers, to take effect from midnight on 17 March 2020;
- The ongoing work to create financial and economic support mechanisms for various industry sectors, particularly hospitality;
- The postponement of the Local Elections 2020 for a period of one year;
- The cancellation of the Douglas South 2020 by-election;
- The cancellation of TT festival 2020;
- That businesses should be encouraged to upscale preparations for working from home;
- Continuation of air and sea links to support critical national infrastructure; and
- To the suspension of PfG actions for two months with a review of this position to be undertaken thereafter [May 2020].

Contingency Funding Provisions

Council considered a paper submitted by the Treasury regarding Contingency Funding Provisions and agreed, subject to Tynwald approval, that funding be transferred from the General Revenue Operating Account in respect of the financial year 2019/20 to the Contingency Fund to be utilised for the Island's response to the global coronavirus pandemic.

Proclamation of Emergency under the Emergency Powers Act 1936

On 16 March 2020, His Excellency the Lieutenant Governor, Sir Richard Gozney issued a Proclamation of Emergency, under the Emergency Powers Act 1936. Council noted that the Proclamation of Emergency could, if required, be renewed monthly by His Excellency and submitted to Tynwald. Following the proclamation, Council agreed that the Emergency Provisions (Potentially Infectious Persons) Regulations 2020 be submitted to Tynwald.

Government Strategic Approach for the Isle of Man – Review

Council considered papers and presentations in relation to the Island's response to the global SARS-CoV2 coronavirus pandemic [COVID-19].

Council reiterated the principles of the Government Strategic Approach for the Isle of Man:

- Preservation of life;
- Maintain critical national infrastructure;
- Maintain public safety and confidence; and
- Support a controlled and speedy return to normality.

Council agreed a series of measures:

- To close the Island's borders from 9am on 23 March 2020 to all non-Island residents, alongside criteria and exemptions for entry;
- To close Schools to most pupils by 3.30pm on 23 March 2020, alongside creation of hubs to offer care to vulnerable children and those with parents classed as 'key workers' critical to Isle of Man's Covid-19 response;
- That the List of Key Workers eligible for schools provision be published;
- To close Pubs, Clubs, Restaurants and Gyms by midnight on 22 March 2020;
- To close the National Sports Centre;
- To update guidance about social distancing and quarantine; and
- To issue advice to the elderly (70 years +) and the clinically vulnerable

Government Strategic Approach for the Isle of Man – Review – “Stay at Home”

Council considered papers and presentations in respect of a range of measures designed to restrict movement to and on the Isle of Man for the purpose of controlling the spread of coronavirus; preserving healthcare resources; preserving public safety and confidence; and supporting a controlled and speedy return to normality.

Council agreed a series of measures:

- To close the Island’s borders with effect from 6:30am on 27 March 2020, to all but certain exemptions which were vital to maintain the Island’s critical Infrastructure and Health Services – initially for 21 days;
- That the Island implements the UK Public Health measures for enhanced social distancing and staying at home;
- The restricted operation of ports, public transport and the definition of essential local authority services;
- The approach for supporting people in need who may be affected by the closure;
- That guidance and advice be published in relation to the measures;
- That the Island adopts the UK list of businesses that must close, with exceptions for key workplaces that support the core objectives;
- That the Island adopts the UK list of other premises, assembly and leisure buildings and outdoor recreation areas to close;
- That a temporary all Island 40mph speed limit be implemented, from midnight on 28 March 2020;
- That the measures be implemented from 6:30am on 27 March 2020; and
- That the measures be maintained for a period of 21 days, subject to regular review.

Economic Response Framework

Council considered papers and presentations submitted by the Treasury and the Department for Enterprise and agreed the principles of the Economic Response Framework.

Council considered and agreed the following financial measures and schemes, to run for an initial 12 week period, and where necessary such legislation would be submitted to Tynwald:

- Coronavirus Adaptation Grant – Financial Assistance Scheme;
- Coronavirus Asset Purchase Facility – Enterprise Development Scheme;
- Financial Assistance Scheme – CV19 Business Benefit (Wage Co-Payment);
- Coronavirus: Business Interruption Loan Guarantee Scheme;
- Coronavirus Business Support Scheme;
- Manx Earnings Replacement Allowance from the National Insurance Fund;
- COVID-19 Salary Support Scheme from the National Insurance Fund;
- Social Security Pensions and Benefits – Emergency Cash Delivery Service;
- Financial support measures to preserve strategically important business sectors, particularly for tourism accommodation;
- The suspension of the requirements of the Control of Employment Act 2014, in relation to work permits, on a temporary basis; and
- That Regulations under the Emergency Powers Act 1936 be drafted in relation to evictions from properties, both homes and businesses.

Capital Programme

Council considered a paper and agreed that the Treasury and the Department of Infrastructure develop proposals for an amended capital programme, funding strategy and associated financial motion to accelerate Government capital investment into the economy.

Suspension of Timescales to Reply to Correspondence

Council considered briefing information from the Cabinet Office, and noting the current unprecedented workload facing Departments, Boards and Offices due to the response to the pandemic, agreed that the timescales in the policy be suspended until further notice.

Emergency Powers (Amendment) Bill 2020

Council considered and agreed that in order for the Courts and Judiciary to be able to function appropriately, during the declared state of emergency, an amendment in primary law was required to the Emergency Powers Act 1936, and that such be drafted and introduced into the Branches expeditiously.

Responsible Island

We are financially responsible while providing services that meet the needs of our community

National Insurance measures following United Kingdom Budget

Council considered a paper submitted by the Treasury and agreed that, with effect from 6 April 2020, the Isle of Man retains alignment with the UK in relation to National Insurance rates, and that such amendments be submitted to Tynwald.

Department of Health and Social Care Reimbursement Medical Indemnity Fund

Council considered a paper submitted by the Department of Health and Social Care and agreed that specific costs be reimbursed from the Medical Indemnity Fund.

Responsible Island

We have public services which are fit for purpose, modern and provided in the right place

Political Appointments – Statutory Boards and Public Bodies

Council considered the membership of Statutory Boards and Public Bodies, and noting that positions had become vacant as a result of the recent Legislative Council elections, agreed the following appointments:

- Member for the Department for Enterprise – Mr P Greenhill MLC; and
- Member for the Department of Home Affairs – Mr R Callister MHK.

Public Appointment – Culture Vannin

Council considered a paper submitted by the Cabinet Office and agreed the appointment of Mrs Clare Kilgallon to Culture Vannin, for a term of five years, in accordance with the Manx Heritage Foundation Act 1982, subject to Tynwald approval.

Responsible Island
We have more responsive legislation and regulation

Statutory Instruments

Council considered and agreed that the following Statutory Instruments be made and submitted to Tynwald:

- Flood Risk Management Tribunal Rules 2020
- Charities Tribunal Rules 2020
- Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2020
- Official Controls (Plant Health) Regulations 2020
- Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.2) Order 2020
- Coronavirus Sick Pay Compensation Scheme 2020
- Coronavirus Business Support Scheme 2020
- Coronavirus Business Support (Amendment) Scheme 2020
- Health Protection (Notifiable Diseases) Regulations 2020
- Isle of Man Business Interruption Loan Guarantee Scheme
- COVID-19 Salary Support Scheme
- Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2020
- Social Security Administration Act 1992 (Application) (Amendment) (No. 2) Order 2020
- Social Security Act 1998 (Application) (Amendment) Order 2020
- Social Security Legislation (Benefits) (Application) (Amendment) (No.4) Order 2020

Primary Legislation – Introduction to Branches

Council considered and agreed that the following pieces of primary legislation be introduced into the Branches:

- Public Housing Bill 2020

Registration of Electors Bill 2020 – Amendments

Council considered a paper submitted by the Cabinet Office and the approach to amendments to the Registration of Electors Bill 2020 to be progressed in the House of Keys.

Responsible Island
We engage, participate and are respected internationally

UK Private International Law (Implementation of Agreements) Bill

Council considered a paper submitted by the Cabinet Office and agreed that a request be made to the UK Ministry of Justice for a permissive extent clause to be inserted into the UK Private International Law (Implementation of Agreements) Bill.

International Maritime Organisation Instruments Implementation (III) Code legislation

Council considered a paper submitted by the Department of Infrastructure and supported the proposal to draft primary legislation to provide for the allocation of Convention derived responsibilities in order to meet the relevant international obligations to which the Island is a signatory.

We are an Island where people choose to live and visit

Visit Isle of Man Request for Additional Marketing Funding

Council considered a paper submitted by the Department for Enterprise and concurred with Treasury that the remainder of a planned 18 month enhanced marketing campaign be funded from the Marketing Initiatives Fund, subject to delaying the campaign until such a time as the global pandemic had improved.

Sustainable Island

We have a planning system which supports sustainable growth

Referral of Application of General Importance: Replacement of Sewage Treatment Works and associated landscaping and bridge, Sewage Works, Breeze Hill, Laxey

Council considered a paper submitted by the Department for Environment, Food and Agriculture and directed that application [20/00082/B], by the Manx Utilities Authority, be determined by the Department of Environment, Food and Agriculture.

Sustainable Island

We have a natural and built environment which we conserve and cherish and which is adapted to cope with the threats from climate change

Climate Change Bill

Council considered a paper submitted by the Department of Environment, Food and Agriculture, and agreed the approach to various legislative provisions including the provision of independent advice.

Inclusive and Caring Island

We have open and transparent Government which engages effectively with Tynwald and the public

Programme for Government – Performance Report for Year 3, Quarter Three (October - December 2019)

Council considered papers submitted by the Cabinet Office outlining the performance report for quarter three, year three (2018/19) of the Programme for Government, reflecting the updated status of the actions as at December 2019, prior to publication.

Lists of Items of Government Business – Tynwald sittings

Council considered papers submitted by the Cabinet Office and approved the Lists of Items of Government Business in respect of the extraordinary sitting of Tynwald on 27 March 2020 and for the routine March 2020 sitting.

*Healthy and Safe Island
We live longer, healthier lives*

Manx Care Bill

Council considered a paper submitted by the Cabinet Office and agreed that a public consultation be launched in respect of the Manx Care Bill.

*Healthy and Safe Island
We live our lives safe from crime and danger*

TV Licence Fee Evasion Decriminalisation Consultation

Council considered a paper submitted by the Cabinet Office and agreed the proposed response to the current Department for Digital, Culture, Media and Sport consultation on decriminalisation of TV licence fee evasion.

Part II Council noted the following Matters

*Coronavirus Pandemic Response
The challenges posed by the Coronavirus [SARS-CoV-2] [COVID-19] pandemic requires a clear and joined up response*

Planning Briefings

Council noted various presentations providing briefings and updates on the planning underway across Government to manage a potential outbreak of Coronavirus (COVID-19) on the Isle of Man.

Non Tax Payments Deferment

Council noted a paper submitted by the Treasury providing information relating to the deferment of VAT payments, Income Tax and National Insurance, for businesses during the next three months.

*Enterprise and Opportunity Island
We have a diverse economy where people choose to work and invest*

Isle of Man Post Office

Council noted a paper submitted by the Cabinet Office regarding matters in relation to the Isle of Man Post Office.

Responsible Island
We engage, participate and are respected internationally

International Development Fund

Council noted a paper submitted by the Cabinet Office providing information in relation to the allocation of funds from the 2019/2020 International Development budget.

Inclusive and Caring Island
We have open and transparent Government which engages effectively with Tynwald and the public

Inflation Report – February 2020

Council noted a paper submitted by the Cabinet Office providing the February 2020 Inflation Report prior to publication.

Labour Market Report – February 2020

Council noted a paper submitted by the Cabinet Office providing the February 2020 Labour Market Report prior to publication.

Isle of Man Earnings Survey Report 2019

Council noted a paper submitted by the Cabinet Office providing the 2019 Isle of Man Earnings Survey prior to publication.

Healthy and Safe Island
We live longer, healthier lives

Notification of breach of Section 76 of Mental Health Act 1998

Council noted a paper submitted by the Department of Health and Social Care providing information in relation to a legislative breach that had occurred in respect of compliance with the Isle of Man Mental Health Act 1998, and the subsequent actions taken by the Department.

Part III
Council determined the following Planning Applications

Sustainable Island

We have a planning system which supports sustainable growth

The Decision Notice for each application and the Inspector's Report are available online at <https://www.gov.im/onlineservices>.

The Minister for Environment, Food and Agriculture left the respective meetings when each application was considered.

In respect of each of the following planning applications under The Town and Country Planning Act 1999 – Town and Country Planning (Development Procedure)(No2) Order 2013 Council considered the recommendations of Planning Inspector and determined to approve the following applications subject to the condition(s) specified.

Application DF19/0006 - 19/01082/C

Mr James Rodden Middleton

Change of use of existing barns for livery stabling, Knockaloe Farm, Patrick Village IM5 3AJ